

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application Serial No.: 08/917,894

Applicant: Jerry L. Losee

Prior Filing Date: 08/27/97

Title: MULTI SHOP SOCKET TOOL

Atty. Dkt. No.: 12434

Prior Examiner: Skinner Sinclair

Prior Group Art Unit: 3723

CIP APPLICATION

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (No. EE525842116 US) in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. on:

Date of Deposit 12/31/98

Signature *Anne Marie Poirier*

Printed Name ANNE MARIE POIRIER

Sir:

This application repeats a substantial portion of the prior application 08/917,894 and adds and claims additional disclosure not presented in the prior application.

In the Office Action for application 08/917,894 the Examiner stated:

- "1. Applicant has filed utility patent and design patent information. This application is for utility patent. Applicant must file design patent separately."

Response

Applicant has deleted the sheet that included design information. The Examiner stated:

- "2. This application is informal in the arrangement of the specification. The

following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use."

Response

The guidelines are incorporated.

The Examiner stated:

- "3. Claims 1-9 objected to because of the following informalities:
- a. Misspelling of attachment and attaching in claims 1-9.
 - b. Top margin on page 6 was not maintained leaving claim unreadable in claim 8. appropriate correction is required."

Response

Claims 1-9 are abandoned. New claims 1-5 are totally re-written and corrected.

The Examiner stated:

- "6. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

Response

New claims 1-5 are re-written to correct all the noted deficiencies in paragraphs 6 and 7.

The Examiner stated:

- "9. Claims 1-9 rejected under 35 U.S.C. 102(b) as being anticipated by Crimp as well as claims can be understood."

Response

Applicant has rewritten the claims, added new detailed description and added a new Figure 4 illustrating a double ended four socket tool. This tool is a definite improvement and simpler than the Crimp wrench in the following ways:

- 1) Crimp has four sockets and requires three springs 14, 15 and 16, four pins 11 and 13, and four lugs 13, whereas the present invention requires only one small and one large spring, two pins and no lugs.
- 2) Crimp has a square drive socket on one end and the four hex sockets nested on the other end whereas the present invention has two sockets on one end, two on the other end, and the square drive aperture in the middle of the body.

Clearly, not every element of Applicant's claims 1-5 are found in Crimp.

Accordingly, there is no anticipation, and it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn.

To this regard, Applicant respectfully reminds the Examiner of what the court stated in *Ceramic Tilers Supply, Inc. v. Tile Council of America, Inc.*, 378 F2 283, 154 USPQ 130 (9th Cir. 1967):

Anticipation is a technical defense which must meet strict standards: 'Unless all the same elements are found in exactly the same situation and united in the same way to perform the identical function' in a single prior art reference 'there is no anticipation.' *Id.* at 284-85, 154 USPQ at 131-132.

Conclusion

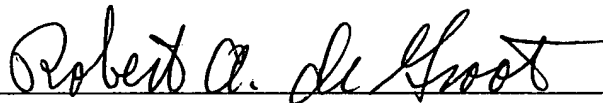
The foregoing amended claims and arguments are believed to be a complete response to the outstanding Examiner's Action on the prior application.

It is respectfully submitted that there is no claim, teaching, motivation or suggestion in any of the prior art cited, alone or in combination, to produce what Applicant claims.

It is further submitted that this CIP application defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned by telephone.

RESPECTFULLY SUBMITTED,



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